

# AIR POLLUTION CONTROL COMMISSION PUBLIC HEARING



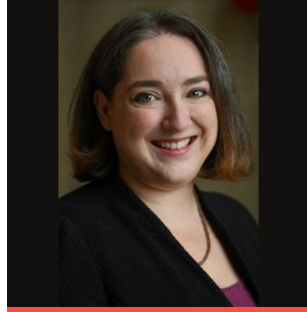
*August 16, 2023*

This public hearing will include opportunity for public comment. During public comment periods, members of the public may submit any comments or questions by “raising their hand” or by typing in the chat box.

# AIR POLLUTION CONTROL COMMISSION



**Nick Gove**  
*Transportation  
Department*



**Alison Brizius**  
*Environment  
Department*



**Julien Farland**  
*Boston Public Health  
Commission*



**Russell Preston**  
*Commissioner At-Large*



**Irmak Turan**  
*Commissioner At-Large*



**Eric Burkman**  
*Commissioner At-Large*

# CITY OF BOSTON STAFF



**Kat  
Eshel**

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*Environment  
Cabinet*



**Claudia  
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*Environment  
Department*



**Diana  
Vasquez**

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*Environment  
Department*



**Aladdine  
Joroff**

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*Environment  
Department*

# Public Hearing

# Parking Freeze Permit Applications

An aerial view of a city skyline, rendered in a light blue wireframe style, set against a darker blue background. A semi-transparent dark blue horizontal band is positioned across the middle of the image, containing white text. In the bottom right corner, there is a small black square containing a white letter 'B' with a red horizontal bar underneath it.

**Applications continued to an  
upcoming hearing or withdrawn**

# CONTINUED TO AN UPCOMING HEARING

**Continued:** Application for a Modified East Boston Parking Freeze Permit from VHB on behalf of Cargo Ventures LLC for 575 park and fly spaces. This permit is to relocate spaces from a surface lot at 320 McClellan Highway to a new parking garage at 440 McClellan Highway. Modification of the permit would have no effect on the East Boston parking freeze bank.

**Continued:** Application for a Modified East Boston Parking Freeze Permit from VHB on behalf of Cargo Ventures LLC for 127 park and fly spaces. This permit is to relocate spaces from a surface lot at 380 McClellan Highway to a new parking garage at 440 McClellan Highway. Modification of the permit would have no effect on the East Boston parking freeze bank.

# Public Meeting



The background of the slide is a dark blue aerial wireframe illustration of a city, showing the outlines of numerous buildings and streets. A semi-transparent dark blue horizontal band is overlaid across the middle of the image, containing the main title and subtitle.

# **Building Emissions Reduction and Disclosure Ordinance (BERDO)**

*Phase 3 Regulations Discussion*

# BERDO REVIEW BOARD



**Rashida Boyd**

*Board Member*



**Stephen Ellis**

*Board Member*



**Lovette Jacobs**

*Board Member*



**Kendra Lara**

*City Councilor*



**Gail Latimore**

*Board Member*



**Lee Matsueda**

*Board Member*



**Jack Nelson**

*Board Member*



**Matt O'Malley**

*Board Member*



**Kai Palmer-Dunning**

*Board Member*

# Phase 3 Regulations: Topics to Address



## BUILDING PORTFOLIOS

- *Two or more Buildings with the same Owner or that are part of an approved Institutional Master Plan may comply with BERDO through a Building Portfolio. Building Portfolios are approved by the Review Board.*



## INDIVIDUAL COMPLIANCE SCHEDULES

- *Alternative emissions standard reduction schedules based on a baseline year. Individual Compliance Schedules are approved by the Review Board.*



## HARDSHIP COMPLIANCE PLANS

- *Alternative emissions reduction targets and/or timelines. Available for buildings that experience a hardship in complying with BERDO. Hardship Compliance Plans are approved by the Review Board*



## EQUITABLE EMISSIONS INVESTMENT FUND

- *New investment fund that will collect all Alternative Compliance Payments (ACPs) and penalties made to BERDO and invest them in local building carbon abatement projects that prioritize environmental justice communities in Boston.*



## FINES AND ENFORCEMENT

- *Fines and penalties for non-compliance.*



## COMPLIANCE WITH EMISSIONS STANDARDS

- *Compliance rules for buildings in special circumstances (e.g., vacant buildings, demolitions)*

# Phase 3 Progress and Activities Thus Far

- **Launched Phase 3 with Listening Session held on Zoom (3/6/23).**
  - *Slides and notes available on [boston.gov/berdo-regulations](https://boston.gov/berdo-regulations).*
- **Held two public technical working sessions focused on Building Portfolios (3/29/23) and Individual Compliance Schedules (4/5/23).**
  - *Slides and notes available on [boston.gov/berdo-regulations](https://boston.gov/berdo-regulations).*
- **Holding monthly Community Advisory Group meetings and optional ‘office hours.’**
  - *Next office hours scheduled for August 24, 2023*

# Phase 3 Progress and Activities Thus Far

- **Focus groups on *Hardship Compliance Plans* with the following stakeholders:**
  - *Affordable housing (6/7/23)*
  - *Longwood hospitals (6/20/23)*
  - *Healthcare (6/27/23)*
  - *Historic Preservation (7/6/23)*
  - *Green Ribbon Commission Cultural Institutions Working Group (7/11/23)*
- **Working with technical consultant to support the development of regulations regarding technical *Hardship Compliance Plans*.**
- **Additional community meetings, technical working sessions, and focus groups planned for *the summer*.**

# Upcoming Public Working Sessions

- [Public technical working session](#) on **Hardship Compliance Plans**
  - Tuesday, August 22, 2023, from 1:00 to 2:30 pm ET on Zoom.
  - Please [register for the meeting here](#).
- [Public working session](#) on the **Equitable Emissions Investment Fund**
  - Wednesday, August 23, 2023, from 1:00 to 2:30 pm ET on Zoom.
  - Please [register for the meeting here](#).
- Registration links are also available on [boston.gov/berdo-regulations](https://boston.gov/berdo-regulations)

# Summary of feedback received during formal public comment period



# Letters from Informal Public Comment Period

*Formal public comment period ending on Friday, August 11, 2023 at 12:00 p.m.*

**We received feedback from the following individuals, institutions and organizations:**

- A Better City
- Alternatives for Community & Environment
- Conference of Boston Teaching Hospitals
- Green Ribbon Commission Higher Education Working Group
- Longwood Medical Energy Collaborative
- Longwood Collective
- Mass General Brigham
- Keith Supko
- Michael Savage



# Main themes in received comment letters

*Feedback on draft regulations for Building Portfolios and Individual Compliance Schedules*

## **For Both Building Portfolios and Individual Compliance Schedules:**

- Seeking more clarity on appeals of Review Board decisions.
- Seeking more clarity on whether “standard conditions” are required or optional for all Building Portfolios and ICS.
- Request for the City of Boston to make draft standard forms available for review and public comment.
- Seeking more clarity on the Review Board’s options to terminate versus amend an approved Building Portfolio or ICS.

# Main themes in received comment letters

*Feedback on draft regulations for Building Portfolios*

## **For Building Portfolios:**

- Seeking more clarity on common ownership for purposes of Building Portfolios..
- Seeking more clarity on compliance requirements for smaller buildings (i.e., buildings between 20,000 and 35,000 square feet or residential buildings with 15 to 35 units).
- Request for City of Boston to produce mapping tool for applications for Building Portfolios with an environmental justice review.
- Request to not require an update to the Emissions standard compliance plan when modifying an approved Building Portfolio.
- Seeking more clarity on language related to “benefits” to Environmental Justice Populations,
- Seeking more clarity on opportunities for public comment for Building Portfolio applications.
- Seeking more clarity on how the City of Boston will verify Building Portfolio applications.
- Other minor clarification and language revisions.

# Main themes in received comment letters

*Feedback on draft regulations for Individual Compliance Schedules*

## **For Individual Compliance Schedules:**

- Seeking clarity on whether baseline years can be formed based on fiscal years rather than calendar years.
- Seeking clarity on how to create an ICS for a Building Portfolio with multiple baseline years.
- Seeking clarity on interaction between blended emissions standards and ICS.
- Request for information on appeals of Review Board's decisions on modifications of approved ICS.
- Other minor clarification and language revisions.

# Building Portfolios

*Revised draft language*



# Draft language sections and revisions

Sections with revisions are marked in *red*

## Draft regulations

WW. Definitions

XX. Building Portfolios

- a. Eligibility for Building Portfolios
- b. Requirements for Building Portfolios
- c. Application Process for Building Portfolios
- d. Conditions of Approval for Building Portfolios
- e. Modifications of Approved Building Portfolios
- f. Transfer of Building Portfolios
- g. Termination of Building Portfolios

## Draft policy

7. Building Portfolios

- A. Applications
- B. Emissions Standard Compliance Plans and Progress Reports
- C. Amendments to Special Conditions and Revocation of Approved Building Portfolios

# Revisions to draft language on Building Portfolios



Sections with revisions are marked in *red*

## XX. Building Portfolios

### a. Eligibility for Building Portfolios

- Revised description of common ownership for purposes of Building Portfolios with respect to special entities, common control, and charitable organizations.

### b. Requirements for Building Portfolios

- Clarified that Buildings requiring an environmental justice review include “Campus District Energy Systems that use non-renewable or CO2e emitting fuels”.

### c. Application Process for Building Portfolios

- Revised language regarding application timelines to improve clarity.
- Added a new application pathway (“Pathway Zero”) to create a Building Portfolio for a single parcel with multiple Buildings that cumulatively meet the coverage thresholds of BERDO and that have the same Owner.
- Added language to clarify opportunities for public comment during the application process.

# Revisions to draft language

Sections with revisions are marked in *red*

## XX. Building Portfolios

### **d. Conditions of Approval for Building Portfolios**

- Clarified that the Review Board shall include standard conditions on the approval of any Building Portfolio.

### **e. Modifications of Approved Building Portfolios**

- Revised language regarding modification timelines to improve clarity.
- Clarified that if modifications to a Building Portfolio would trigger the need for an environmental justice review, when one was not required before, Owners shall submit an initial Emissions standard compliance plan within two 2 years of the Review Board's approval of the modification.

### **f. Transfer of Building Portfolios**

- Revised notification timeline so that Owners have 30 days to notify a change of ownership.

### **g. Termination of Building Portfolios**

- Revised language regarding termination timelines to improve clarity.
- Revised language to clarify when the Review Board may decide to amend, rather than terminate, a Building Portfolio during a termination proceeding.

# Revisions to draft language

Sections with revisions are marked in *red*

## 7. Building Portfolios

### A. Applications

- Clarified that the Environment Department shall provide either (i) a mapping tool for Owners to use or (ii) instructions for preparing standard maps that are required for the environmental justice review.

### B. Emissions Standard Compliance Plans and Progress Reports

- Revised language to clarify that the distribution of “benefits associated with BERDO compliance” will be evaluated across Buildings included in the Building Portfolio.
- Revised language to improve clarity of the examples of “benefits” that may be considered as part of the Emissions standard compliance plan.
- Revised language to improve clarity of the scope of the narratives that will be included as part of the Emissions standard compliance plan.
- Clarified scope and content of updates required due to modifications of Building Portfolios.
- Clarified content of annual progress reports to include any delays or changes in compliance strategies.
- Clarified the instances and timeline when the Review Board may hold a hearing to evaluate an Emissions standard compliance plans.



# Revisions to draft language

Sections with revisions are marked in *red*

## 7. Building Portfolios

### **C. Amendments to Special Conditions and Revocation of Approved Building Portfolios**

- Revised language to clarify that, for purposes of terminating a Building Portfolio, the distribution of “benefits associated with BERDO compliance” will be evaluated across Buildings included in the Building Portfolio.

# Individual Compliance Schedules

*Revised draft language*



# Draft language sections and revisions

Sections with revisions are marked in *red*

## Draft regulations

WW. Definitions

YY. Individual Compliance Schedules

- a. Eligibility for ICS
- b. Applications for ICS for Individual Buildings**
- c. Applications for ICS for Building Portfolios**
- d. Review of Applications for ICS
- e. Application Timeline for ICS
- e. Modifications of Approved ICS**
- f. Transfer of ICS**
- g. Termination of ICS**

## Draft policy

8. Individual Compliance Schedules

- A. Data sources for baseline year
- B. Individual Compliance Schedule for Building Portfolios with Multiple Baseline Years**

# Revisions to draft language on ICS

Sections with revisions are marked in *red*

## YY. Individual Compliance Schedules

### **b. Applications for ICS for Individual Buildings**

- Revised language regarding application timelines to improve clarity.

### **c. Applications for ICS for Building Portfolios**

- Revised language regarding application timelines to improve clarity.
- Clarified that Building Portfolios with multiple baseline years will use one declining Emissions standard for the whole Building Portfolio.
- Clarified that the ICS shall supersede the Building Portfolio's blended Emissions standard in the event that an Owner had a Building Portfolio before applying for an Individual Compliance Schedule.

### **e. Modifications of Approved ICS**

- Revised language regarding modification timelines to improve clarity.

### **f. Transfer of ICS**

- Revised notification timeline so that Owners have 30 days to notify a change of ownership.

# Revisions to draft language on ICS

Sections with revisions are marked in *red*

## YY. Individual Compliance Schedules

### **g. Termination of ICS**

- Revised language regarding termination timelines to improve clarity.
- Revised language to clarify when the Review Board may decide to amend, rather than terminate, a Building Portfolio during a termination proceeding.

## 8. Individual Compliance Schedules

### **B. Individual Compliance Schedule for Building Portfolios with Multiple Baseline Years**

- Clarified that Environment Department shall provide guidance on how to generate an ICS for a Building Portfolio with multiple baseline years

# Proposed Next Steps

*On Building Portfolios and Individual Compliance Schedules*

## Building Portfolios and Individual Compliance Schedules

- BERDO team asks the Commission to consider opening a second formal public comment period on revised draft language regarding Building Portfolios and ICS.
  - Propose to open a **28-day** public comment period
  - If opened this week, the comment period would open on **Friday, August 18** and close on **Friday, September 15 at 12:00 p.m.**
- After reviewing comments received during the second formal public comment period, BERDO team will work to present a summary of comments and any revised regulations to APCC.
  - Propose that the Commission consider a **special public hearing to be scheduled the week of September 25th.**
  - At its discretion, the APCC may open a third formal public comment period or vote to approve the regulations.

# Other Proposed Next Steps

*On Building Portfolios and Individual Compliance Schedules*

- The Environment Department is currently developing draft standard forms to apply for Building Portfolios and ICS.
  - *We will make these draft forms available for review and public comment as soon as possible.*
- The Environment Department is working to develop an environmental justice mapping tool to be used for Building Portfolio applications and the Emissions standard compliance plans.

# Other clarifications

- Applications for Building Portfolios and ICS will be open after their respective regulations are adopted.
- The first deadline to apply will be **September 1, 2024**.



# Commission Q&A

*Commissioners may discuss and ask staff questions.*

The background of the slide is a dark blue aerial wireframe map of a city, showing the outlines of buildings, streets, and parks. The lines are white and light blue, creating a technical, architectural feel.

# Public Q&A

*The public may discuss and ask staff questions.*

# Hardship Compliance Plans

*Preliminary proposals*



# Hardship Compliance Plans (HCP)

*Ordinance requirements*

- HCP are a flexibility mechanism that allows Building Owners to receive **alternative emissions reduction targets** and/or **timelines for compliance**.
- HCP are available for buildings that experience a **hardship in complying with BERDO**, including historic building designations, affordable housing refinancing timelines, pre-existing long-term energy contracts without reopeners, financial hardship, and any other factors detailed in the upcoming regulations.
- HCP are approved by the **BERDO Review Board**. The Review Board may set **conditions of approval**.

# What is a “hardship”?

*Preliminary proposals*

Hardship means that, **due to the unusual circumstances or characteristics of a Building Owner, Building or Building Portfolio**, meeting the applicable Emissions standard through **all combinations** of (i) direct emissions reductions, (ii) participation in CCE, (iii) purchase of RECs, (iv) participation in PPAs (v) Alternative Compliance Payments, (vi) Building Portfolios, and/or (vii) Individual Compliance Schedules will:

- Create an **undue burden** on a Building Owner; or
- Significantly interfere with or significantly increase the cost to provide **critical services**.

# What are “undue burdens” and “critical services”?

*Preliminary proposals*



**Undue burden** on a Building Owner exists if a Building Owner’s total compliance costs would (i) be significantly higher because of the unusual circumstances or characteristics of a Building Owner, Building or Building Portfolio, (ii) cause interruption in financial ability to operate, or (iii) cause other significant effects that the Review Board determines should be mitigated in light of benefits provided by and/or greenhouse gas emissions avoided by the Building or Building Portfolio.\*

**Critical services** include provision of life saving services and affordable housing.

*\* Deferred maintenance costs cannot contribute to an undue burden*

# Owner and Building Circumstances and Characteristics that Could Contribute to Hardship

*Preliminary proposals*

Categories of Building Owner or Building circumstances and characteristics that could, either singularly or collectively, create a hardship for a Building Owner:

- **Financial**
- **Regulatory/Contractual**
- **Technical/Operational**
- **Other**

Examples of circumstances or characteristics in each category are provided in the following slides.

Guidance regarding demonstrating such circumstances or characteristics will be provided by the Environment Department.

# Financial Circumstances and Characteristics

*Preliminary proposals*

- Owner bankruptcy for all or part of a compliance year.
- Schedule of compliance costs do not align with long-term schedules for capital expenditures that cannot be changed or are beyond the control of the Owner (e.g., affordable housing refinancing timelines).



# Regulatory/Contractual Circumstances and Characteristics



*Preliminary proposals*

- Long-term energy contracts without reopeners for a significant portion of a Building's or Building Portfolio's energy demand.
- Delays in electric system interconnections beyond X months for reasons outside a Building Owner's control.
- Government significant delay or denial of a permit or other approval required for compliance-related work.
- Government regulations affecting minimum energy use.
- Accreditation/certification standards affecting minimum energy use.

# Technical/Operational Circumstances and Characteristics

*Preliminary proposals*



- Space constraints for significant compliance related work.
- Equipment needed for significant compliance related work is not adequately demonstrated or available in the United States.
- High process loads with high emissions.
- High critical loads with high emissions (e.g., energy use for life safety).

# Other Hardship Circumstances and Characteristics

*Preliminary proposals*

- Natural disasters
- Other circumstances and characteristics accepted by the Review Board

# Eligibility for HCP

*Preliminary proposals*

- Any Building/Building Portfolio is in compliance with the Ordinance and Regulations, including, as applicable, (i) requirements for Building Portfolios, (ii) payment of fines for any failure to comply with reporting requirements, accurately report information, or comply with an Emissions Standard, (iii) where feasible, the submission of any missing required reporting data, and (iv) the submission of compliance mechanisms in the amount required to correct any failure to meet an Emissions standard.
  - Applications based solely on financial circumstances or characteristics may request a waiver or reduction in (a) fines for failure to comply with an Emissions standard or (b) submission of compliance mechanisms to correct such failure. Relief shall be at the Review Board's discretion.
- Other?

# Relief for Demonstrated Hardship(s)

*Preliminary proposals*

The Review Board may grant an applicant one or more of the following types of relief, either for a defined period of time or permanently. Relief may apply to some or all of a Building Owner's compliance obligations.

- Alternative schedules for complying with the Emissions standards in the Ordinance; such schedules do not need to be linear or better.
- Alternative Emissions standards than those in the Ordinance.
- Exemption of specified Energy use(s) from a Building Owner's compliance obligations.
- Adjusted compliance obligations in light of third-party electrification barriers or delays.
- Additional compliance mechanisms.
- Other relief the Review Board deems appropriate on a case-by-case basis.

# Application Fees for HCP

*Preliminary proposals*

- Application fees could be required for:
  - *Buildings*
  - *Building Portfolios*
  - *Modifications to any HCP*
- Fees could be calculated as follows:
  - *Flat rate per type of application*
  - *Based on building size*
  - *Based on a Building/Building Portfolio's energy use or emissions*
  - *Other*
- Applications based solely on financial circumstances or characteristics may request a waiver or reduction; relief shall be at the Review Board's discretion.

# Timeline for Applications for HCP

## *Preliminary proposals*

- May be submitted on a rolling basis and at least 12 months before the first compliance year in which the HCP would be effective (except for compliance year 2025, for which applications should be submitted by July 1, 2024).
- May be submitted in advance of the start of an anticipated hardship.
- Review Board may prioritize review of applications based on the year that the hardship would begin.

# Content for Applications for HCP

## *Preliminary proposals*

- Narrative and supporting material regarding existence and scope of circumstances and characteristics that contribute to a hardship.
- Consideration and use of all compliance mechanisms and other flexibility measures authorized by the Ordinance.
- Description of prior significant emissions reduction efforts or work on high-energy systems or loads.
- Evaluation of opportunities and financial support for compliance-related work at a Building.
  - *E.g., energy audits (including Mass Save), government programs, off-site opportunities for siting equipment.*
- Requested relief and conditions on proposed alternative compliance to advance BERDO objectives.
  - *E.g., tenant protections, rent stabilization, workforce development, etc.*



# Conditions on Relief for Hardship

*Preliminary proposals*

- **Standard Conditions**
  - For all cases. Examples include ongoing compliance and reasonable inspection of Buildings and records to assess compliance with terms and conditions of the HCP.
- **Special Conditions**
  - The Review Board may include special conditions on the approval of any HCP on a case-by-case basis.
    - Examples include conditions related to Employment Plans, housing stabilization, energy cost- and benefit-sharing, and disclosure of compliance status and mechanisms to tenants.

# Timeline for Review of Applications for HCP

## *Preliminary proposals*

- The Environment Department shall make a determination of completeness within 45 days of receiving an application to create or modify a HCP.
- The Review Board shall hold a public hearing on an application within 45 days of the Environment Department's finding of completion.
- A written copy of Review Board's decision shall be provided to applicant within 7 days of a vote.
- Applicants must record approvals within 30 days of issuance.
- Applicants may file an appeal with the APCC within 45 days of the Review Board's issuance of a decision.

# Modifications of HCP

*Preliminary proposals*

Modifications to HCP, including changes to underlying Building Portfolios, require Review Board approval in accordance with the following requirements and other conditions the Board deems appropriate.

- Any Building removed from a HCP will be subject to the Emissions standards set in Table 1 of the Ordinance or, if applicable, a Building Portfolio blended emissions standard.
- For Hardship Compliance Plans for Building Portfolios, the Hardship Compliance Plan will be re-evaluated if a Building is removed from the Building Portfolio.
- Existing Buildings added to a Building Portfolio may be subject to a HCP only with approval from the Review Board, which may adjust the HCP as it deems appropriate.
- Newly constructed Buildings may not be added to a HCP.

# Termination of HCP

*Preliminary proposals*

- Owners may terminate an approved HCP with notice to the Review Board.
- A HCP for a Building Portfolio shall be automatically terminated if the associated Building Portfolio is terminated.
- The Review Board may initiate a proceeding to terminate a HCP.

# Equitable Emissions Investment Fund

*Preliminary proposals*



# Equitable Emissions Investment Fund (EEIF)

## Ordinance requirements



- The EEIF is a new fund that will collect all Alternative Compliance Payments (ACPs)\*\* and penalties made to BERDO and **invest them in local building carbon abatement projects.**
- Fund expenditures shall **prioritize projects that benefit environmental justice communities.**
- The **Review Board** is responsible for evaluating project proposals, making expenditure recommendations, and setting **conditions for expenditure.**



**BERDO buildings with emissions over their limits pay ACPs and/or penalties to comply with BERDO**



**Equitable Emissions Investment Fund collects money**



**ACPs and penalties are invested in local building carbon reduction projects approved by the Review Board**

*\*\* Buildings with high emissions may comply with BERDO by paying an ACP for each ton of CO<sub>2</sub>e they emit over their limit.*

# Preliminary eligibility criteria and application process



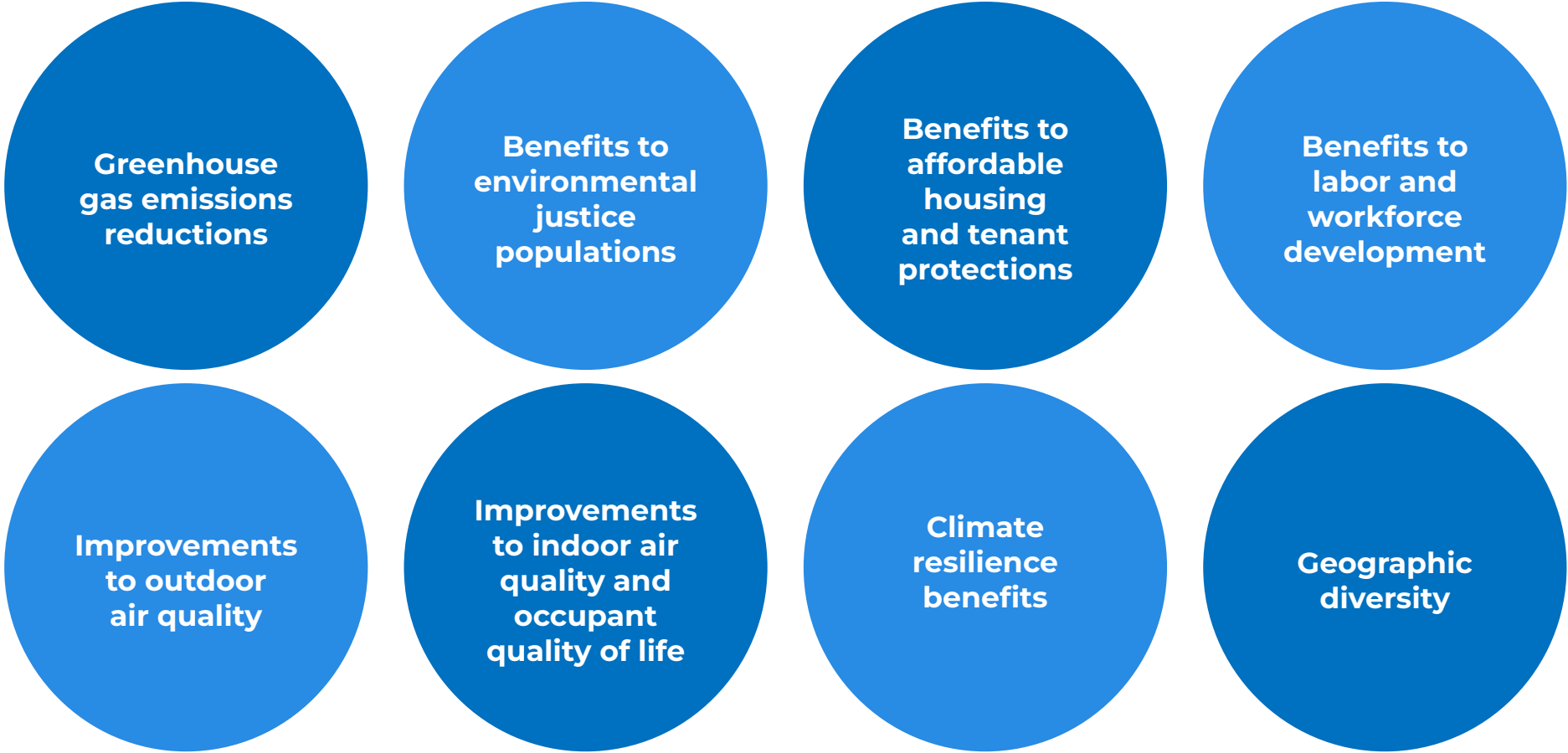
*Preliminary proposals*

- Any building owner(s) or resident(s) located in the City of Boston, or entity acting on their behalf, are eligible to receive funding.
- The Review Board shall hold at least one application cycle per year.
- Applicants must submit project proposals for **local building carbon abatement projects** and present a narrative of how the project would provide benefits to Environmental Justice Populations and/or advance the purposes of the Ordinance.

# Preliminary project evaluation criteria

*Preliminary proposals*

Review Board decisions shall consider the following criteria to evaluate project proposals:





# Preliminary project evaluation criteria

Preliminary proposals



Preliminary criteria	Description
<b>Greenhouse gas emissions reductions</b>	<ul style="list-style-type: none"><li>All projects must result in <b>direct</b> greenhouse gas emissions reductions <b>from buildings located in Boston</b>. The Review Board may consider the expected timing and scale of emissions reductions when comparing proposed projects.</li></ul>
<b>Benefits to environmental justice populations</b>	<ul style="list-style-type: none"><li>Whether projects are located in or directly benefit Environmental Justice Populations.</li></ul>
<b>Benefits to affordable housing and tenant protections</b>	<ul style="list-style-type: none"><li>Whether projects directly benefit low-income residents and residents of affordable housing, including both Deed-Restricted Residential Buildings and Naturally-Occurring Affordable Housing.</li><li>Whether projects include anti-displacement measures, such as rent stabilization, rent assistance, and/or relocation assistance.</li></ul>
<b>Benefits to labor and workforce development</b>	<ul style="list-style-type: none"><li>Whether projects include benefits to local contractors, cooperative contractors, Minority, Women, and Disadvantaged Business Enterprises (MWDBE), and/or promotes equitable workforce development.</li></ul>
<b>Improvements to outdoor air quality</b>	<ul style="list-style-type: none"><li>Whether projects would result in the reduction of local air pollutants, including but not limited to, carbon monoxide, lead, ground-level ozone, nitrogen dioxide, particulate matter, and sulfur dioxide.</li></ul>
<b>Improvements to indoor air quality and occupant quality of life</b>	<ul style="list-style-type: none"><li>Whether projects would result in improvements in indoor air quality, thermal comfort, and/or reduced energy bills for occupants.</li></ul>
<b>Climate resilience benefits</b>	<ul style="list-style-type: none"><li>Whether projects include measures for heat or energy resilience, coastal resilience, stormwater flooding, or other hazards.</li></ul>
<b>Geographic diversity</b>	<ul style="list-style-type: none"><li>Distribution of funded projects across Boston neighborhoods over time.</li></ul>

# Additional preliminary considerations

*Preliminary proposals*



- The Review Board may decide to dedicate any given application cycle to specific types of benefits or types of applicants that align with the goals of the Fund and the Ordinance.
- The Review Board may prioritize projects that meet multiple evaluation criteria.
- If there are insufficient qualified proposals, funds may be held over to the next application cycle, provided, however, that starting in 2026, new monies may not sit in the Fund for more than 5 years.

# Preliminary conditions for expenditure

## *Preliminary proposals*

- The Review Board may set standard and special conditions to grant funding to a project proposal.
- **Standard Conditions**
  - For all cases. Examples include ongoing compliance, timeline of project completion, reporting responsibility, and repayment in case of lack of compliance.
- **Special Conditions**
  - Conditions related to providing benefits to Environmental Justice Populations and/or advancing the purposes of the Ordinance\*\*.
  - Any special conditions shall be determined on a case-by-case basis and discussed at a public hearing.

\*\* “It is the intent of this Subsection to reduce the emissions of air pollutants, including greenhouse gases, from building energy production and consumption, and thereby to encourage efficient use of energy and water, develop further investment in building a green economy, including by encouraging the hiring and training of green jobs, protect public health, and promote equitable access to housing.”

# Tentative Timeline and Next Steps

*On Remaining Phase 3 Topics*

## Hardship Compliance Plans

- BERDO team will receive informal public comments and prepare draft regulations.
- Current goal is to present draft regulations to APCC at a **special public hearing in late September**.

## Equitable Emissions Investment Fund

- BERDO team will receive informal public comments and prepare draft regulations.
- Current goal is to present draft regulations to APCC at a **special public hearing in late September**.

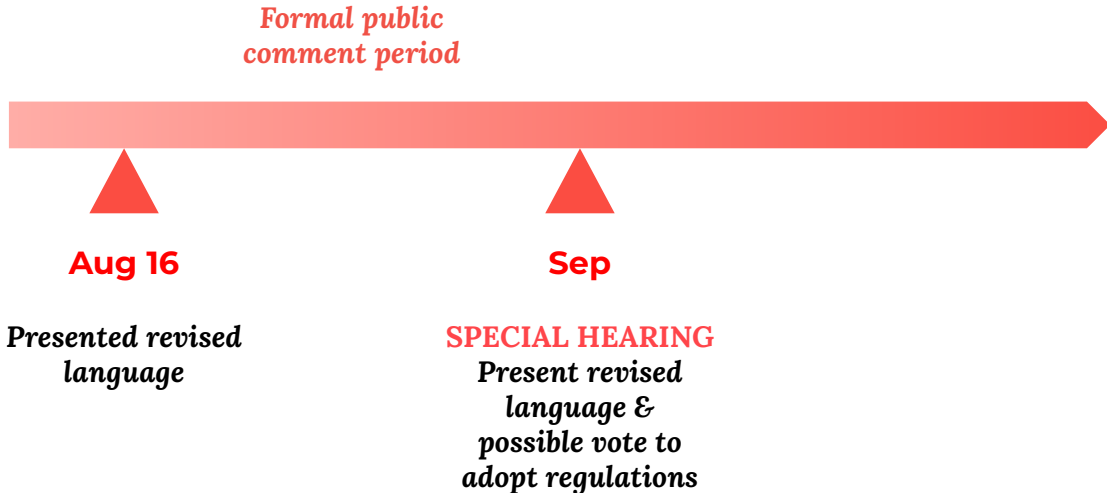
## Fines and Enforcement

- Timeline TBD

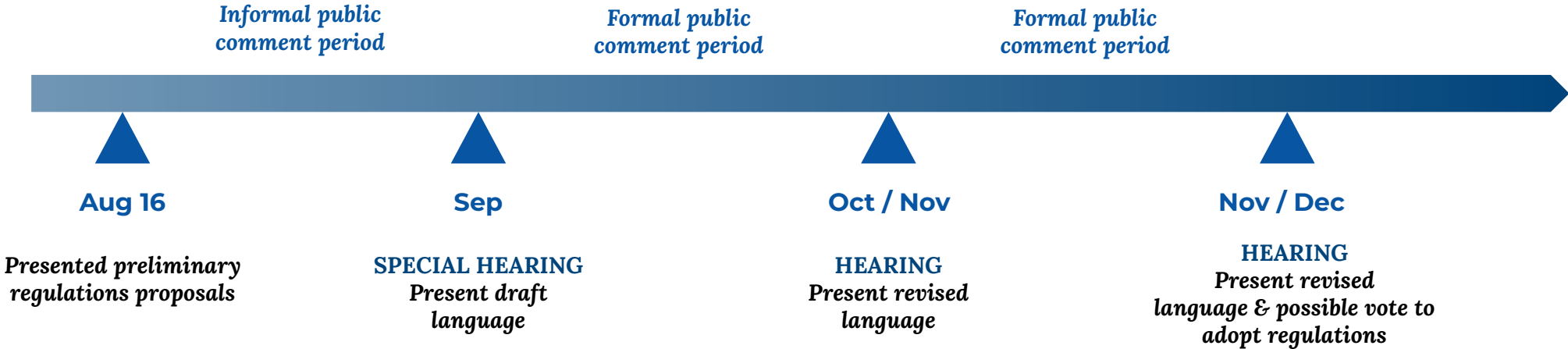


# Tentative Timeline for APCC Hearings

## Building Portfolios & Individual Compliance Schedules



## Hardship Compliance Plans & Equitable Emissions Investment Fund



# Reminder: Upcoming Public Working Sessions

- [Public technical working session](#) on **Hardship Compliance Plans**
  - Tuesday, August 22, 2023, from 1:00 to 2:30 pm ET on Zoom.
  - Please [register for the meeting here](#).
- [Public working session](#) on the **Equitable Emissions Investment Fund**
  - Wednesday, August 23, 2023, from 1:00 to 2:30 pm ET on Zoom.
  - Please [register for the meeting here](#).
- Registration links are also available on [boston.gov/berdo-regulations](https://boston.gov/berdo-regulations)

# Commission Q&A

*Commissioners may discuss and ask staff questions.*

The background of the slide is a dark blue aerial wireframe map of a city, showing the outlines of buildings, streets, and parks. The lines are white and light blue, creating a technical, architectural feel.

# Public Q&A

*The public may discuss and ask staff questions.*



The background of the slide is a dark blue aerial wireframe map of a city, showing building footprints, streets, and parks in a light blue color. A semi-transparent dark blue horizontal band runs across the middle of the image, containing the main title.

# Updates on BERDO Implementation

# BERDO Reporting Updates



## 2023 Reporting was due May 15

- Three-month extensions granted for:
  - All buildings reporting to BERDO for the first time this year
  - Buildings unable to report due to extenuating circumstances

## 2022 Reporting is past due

- Properties that have not been third-party verified are not in compliance with 2022 reporting
- Disclosed 2021 data has been posted to [Analyze Boston](#)

# 2021 BERDO Reporting Compliance Map



[Link to Compliance Map](#)

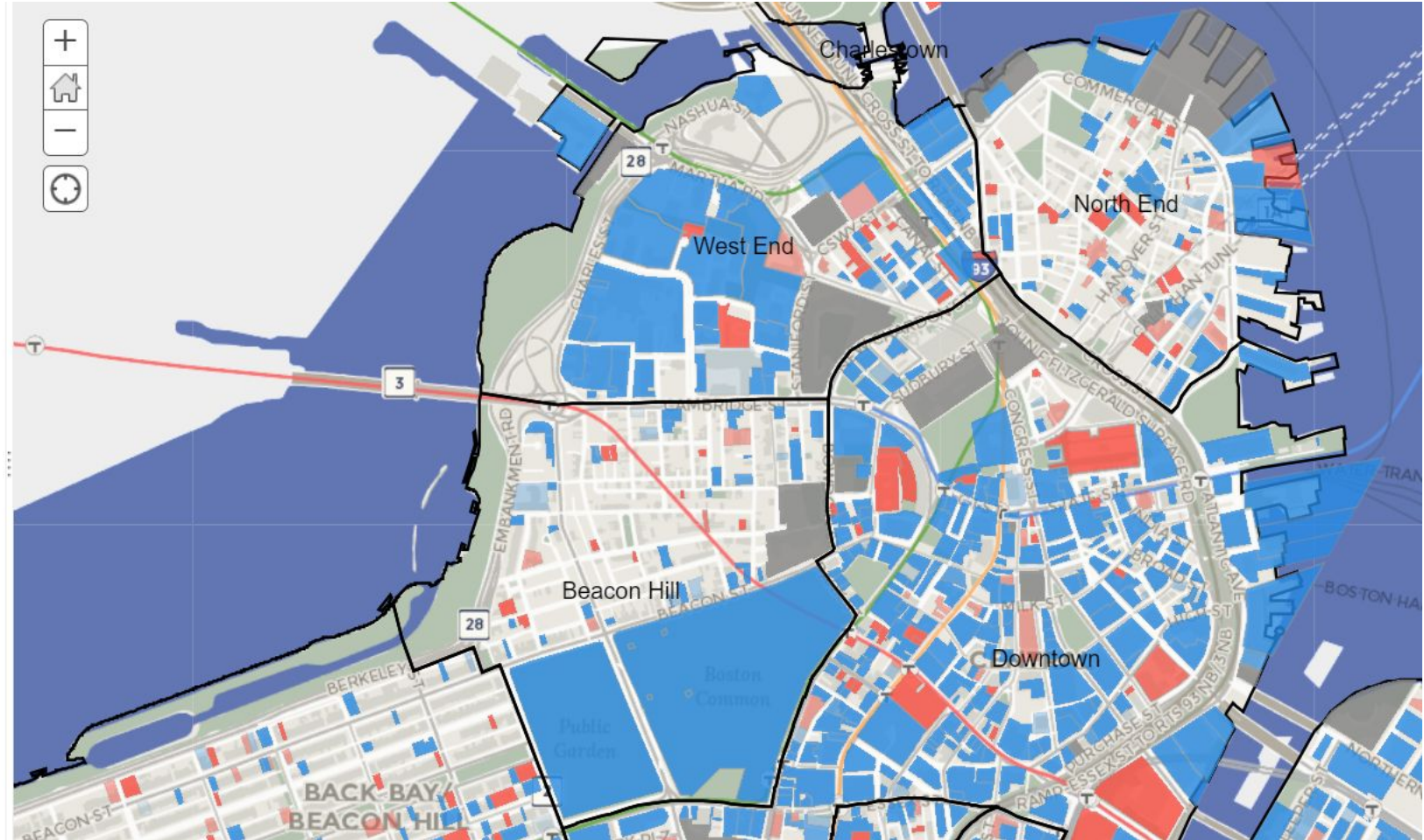
[About](#) [Content](#) [Legend](#)

Legend

BERDO 2022 static

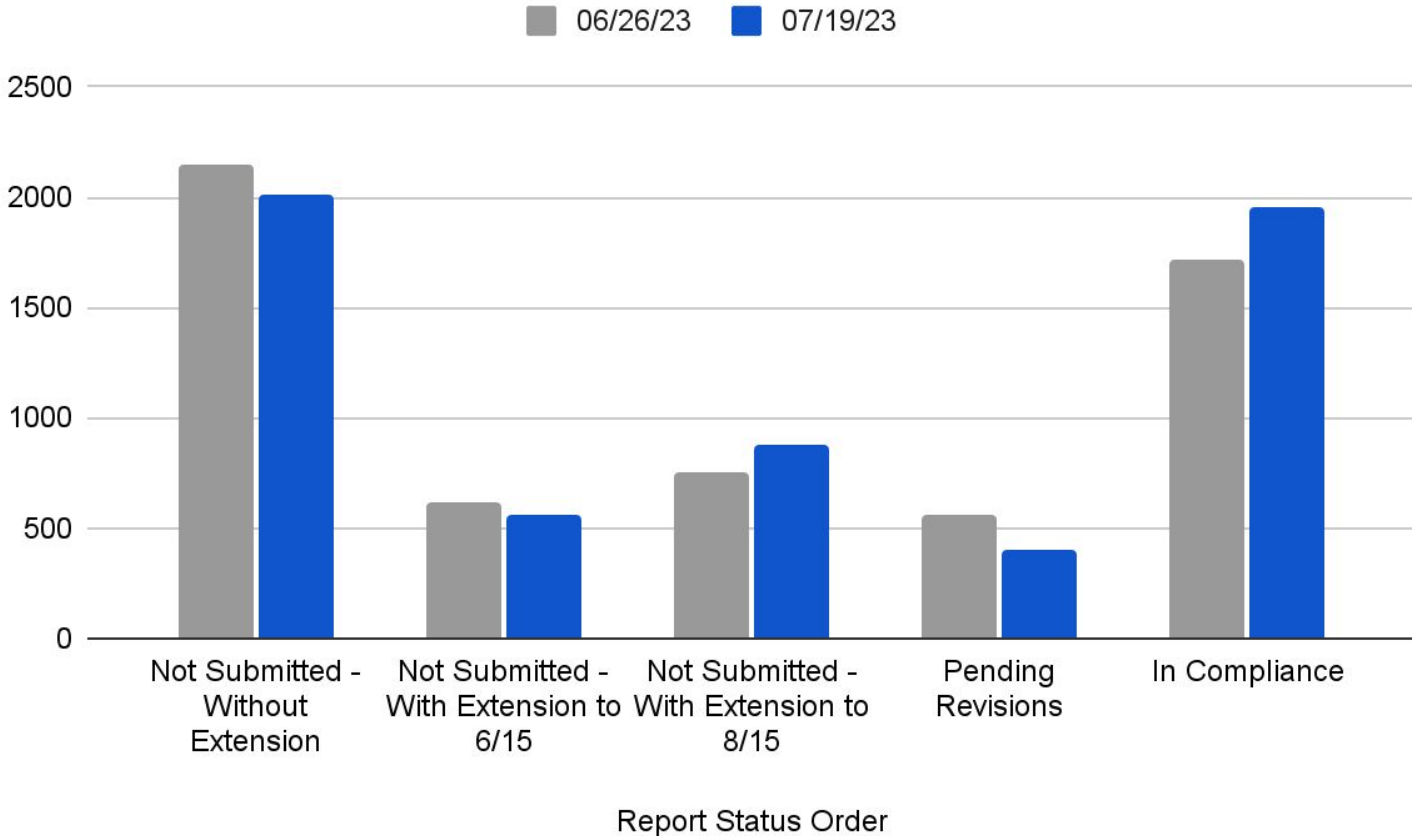
- 7 - berdo accepted
- 5 - verifier accepted
- 4 verifier rejected
- 3 - sent to verifier
- 2 - missing verifier
- 1 - no data reported
- 0 - not claimed
- federal
- state

Boston Neighborhood Boundaries





# 2023 BERDO Reporting Progress as of 7/19



- **In Compliance:** 2022 data has been submitted and accepted by the BERDO Team.
- **Pending Revisions:** 2022 data has been submitted to the BERDO team, but acceptance by the BERDO Team is pending further corrections or clarification of submitted data.
- **Not Submitted:** 2022 data has not been submitted to the BERDO team.

# Commission Q&A

*Commissioners may discuss and ask staff questions.*

# Administrative Updates

# 2023 Renewals

- Parking freeze permits expired on July 1 and must be renewed annually
- Automated renewal email went out to permit holders on 6/1/2023 and reminders were sent on June 20th and August 4th as part of the regular APCC newsletter. First past due notices will be sent for all outstanding permits at the end of August.
- **As of August 11, 2023, 52% of permits have been renewed.**

# Notices of Probable Violation (NOPVs)

- Staff sent Notices of Probable Violation (NOPVs) to two (2) parking freeze permit holders on August 8. Staff observed overparking at both facilities during routine site visits in June 2023.
  - APCC453755 - 37 Merrimac St
  - APCC453857 - 70 Fulton St



# Acceptance of the Meeting Minutes



# Commission Motion & Vote

*Acceptance of the April 19, 2023 Meeting Minutes \*Continued from the July 19, 2023 meeting*

The background of the slide is a dark blue aerial wireframe map of a city, showing the outlines of buildings, streets, and parks. The lines are light blue and create a complex, geometric pattern.

# Commission Motion & Vote

*Acceptance of the July 19, 2023 Meeting Minutes*

# Adjourn

*Thank you for your participation!*

